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In re Application of
Kenji Nakabayashi et al
Application No. 10/024,246
Filed: December 21, 2001
Attorney Docket No. 38INT/48610CO

Director's Office
Group 1 DECISION ON PETITION

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This is a decision on the petition filed on June 18, 2004 by which petitioners request withdrawal of the technical state of abandonment that exists as a result of the failure to file a reply to the Office letter dated November 24, 2003. A Notice of Abandonment has not been mailed. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did not receive the Office letter in question. In support of this allegation, petitioners have made a showing as discussed at MPEP § 711.03(c). The showing has been reviewed and it clearly satisfies the requirements of the Notice published at 1156 OG 53 pertaining to abandonment resulting from nonreceipt of Office correspondence. Based upon the showing, it is clear this application is not technically abandoned.

Accordingly, this application is being forwarded to the Head Supervisory Applications Examiner for Technology Center 3700 to re-mail the office letter dated November 24, 2003, together with all attachments thereto. The period for filing a reply to the re-mailed Office letter will run THREE MONTHS from the date upon which the Office letter is re-mailed, and may be extended pursuant to 37 CFR 1.136(a).

PETITION GRANTED

Richard A. Bertsch, Director
Technology Center 3700

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